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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on April 21, 2009

Date of Meeting: February 24, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:44 p.m., on Tuesday, February 24, 2009, all members having been notified of the time and place thereof.

### 1. **ROLL CALL**

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero  
Rodney Glassman  
Karin Uhlich  
Shirley C. Scott  
Steve Leal  
Nina J. Trasoff  
Robert E. Walkup

Council Member Ward 1  
Council Member Ward 2 (Electronic Attendance)  
Vice Mayor, Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Absent/Excused:

None

Staff Members Present:

Mike Hein  
Michael Rankin  
Roger W. Randolph  
Mike Letcher

City Manager  
City Attorney  
City Clerk  
Deputy City Manager

Roger W. Randolph, City Clerk, announced Council Member Glassman was unable to be present for the evening's meeting, but he would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Glassman advised the City Clerk of his location, and assured him that no one else was present in the room with him. Council Member Glassman could vote on all matters in the same way as those members physically present as long as he participated in the discussion, and was not just present for the vote. On the evening's agenda, all votes would be done by roll call rather than voice vote.

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Wing Chaplain Father Tim Butler, Davis-Monthan Air Force Base, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup presented plaques to Sonar Technician Submarine First Class Gregory Casper as "Sailor of the Year," Electronics Technician Second Class Kevin Barron as "Junior Sailor of the Year," and Machinist Mate Fireman Samuel Diaz as "Blue Jacket of the Year." All three seamen serve on the U.S.S. Tucson.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 101, dated February 24, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Scott gave a special thanks to Mike Letcher, Deputy City Manager; Sylvia Amparano, Interim Finance Director; and Marie Nemerguth, Acting Budget Director, for their time and participation in the Ward 4 Budget Town Hall. She said the comments and conversation were excellent.
- b. Vice Mayor Uhlich announced that she, members of her staff, and students from the University of Arizona, would be walking the neighborhoods around the Northwest Neighborhood Center on February 28, 2009, to inform residents about the volunteer income tax assistance program, a free tax preparation program for low and moderate income people, as well as, Kids Care, the affordable health care program for children in Arizona.
- c. Council Member Trasoff announced Ward 6 was hosting their Budget Town Hall on February 26, 2009, where City staff members would be present.

#### **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 102, dated February 24, 2009, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, congratulated Mike Letcher, Deputy City Manager, who recently received an award from the National Association for the Advancement of Colored People (NAACP) as well as from the Sports Extravaganza Organizing Committee, which was made up of Olympians who came to Tucson and volunteered their time to put on free clinics for children.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 103, dated February 24, 2009, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

NOTE: There are no new license(s) scheduled for this meeting.

c. Special Event(s)

NOTE: There are no special event(s) scheduled for this meeting.

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

#### **6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations. The call to the audience was scheduled to last thirty minutes.

a. Karen Falkenstrom, Creative City Consortium, spoke about the arts cultural infrastructure in Tucson and introduced members of the Tucson Women's Chorus who performed for the Mayor and Council.

b. Reverend Bishop Chicago, Church Without Walls, spoke about the continued sale of drugs around South Tucson and in his neighborhood.

c. Joseph Sweeney spoke about immigration issues.

- d. Ken Scoville spoke about the demolition of the Ghost Ranch Lodge.
- e. Leon Solomon read a letter from the Oracle Area Revitalization Plan (OARP) urging the City to keep intact the structure of the Department of Urban Planning and Design.
- f. Ruth Beeker spoke about the Economic Stimulus Stakeholders Group which met and discussed options for impact fees.

## **7. CONSENT AGENDA – ITEMS A THROUGH E**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

### **A. REAL PROPERTY: TERMINATION OF LEASE FOR PROPERTY LOCATED AT 100 NORTH STONE**

- 1. Report from City Manager FEB24-09-105 WARD 6
- 2. Resolution No. 21223 relating to the budget; eliminating funds from the annual City budget for rental of outside office space at the Pioneer Building, 100 North Stone Avenue, for the Office of Equal Opportunity Programs for fiscal year 2009-2010; and declaring an emergency.

### **B. BOARDS, COMMITTEES, AND COMMISSIONS: MODIFYING THE GRANT ROAD CORRIDOR PLANNING TASK FORCE**

- 1. Report from City Manager FEB24-09-107 WARDS 2, 3, AND 6
- 2. Resolution No. 21224 relating to Boards and Commissions; adding to the Grant Road Corridor Planning Task Force one member appointed by the City of Tucson's Planning Commission from its own membership; amending Section 2 of Resolution 20632; and declaring an emergency.

### **C. TUCSON CODE: AMENDING (CHAPTER 28) THE PROCUREMENT CODE RELATING TO SUBCONTRACTOR LISTS**

- 1. Report from City Manager FEB24-09-106 CITY-WIDE
- 2. Ordinance No. 10635 relating to procurement; reenacting Tucson Code Section 28-48(4) relating to the submission of subcontractor lists; and declaring an emergency.

D. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO ITZABOUTIME FOR A FREE MUSICAL WORKSHOP FOR STUDENTS

1. Report from City Manager FEB24-09-109 WARD 1
2. Resolution No. 21225 relating to Finance; approving and authorizing the allocation of Fifty Dollars (\$50) from the Ward 1 Council Office Community Support Fund, Account No. 001-183-1898-268, to ITZABOUTIME to help support funding a free musical workshop for middle school and high school students to be held on February 17, 2009 at the Pima Community College Downtown Campus; and declaring an emergency.

This is a request by Council Member Romero. Allocation of funds is as follows:  
Council Member Romero - \$50.00

E. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO SOUTHSIDE NEIGHBORHOOD ASSOCIATION PRESIDENTIAL PARTNERSHIP (SNAPP) FOR THEIR TOWN HALL MEETING

1. Report from City Manager FEB24-09-110 WARD 5
2. Resolution No. 21226 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 5 Council Office Community Support Fund, Account No. 001-183-1898-268, to Southside Neighborhood Association Presidential Partnership (SNAPP) for their town hall meeting; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:  
Council Member Leal - \$100.00

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through E be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Leal, Scott, and Trasoff; Vice Mayor Uhlich and Mayor Walkup

Nay: None

Consent Agenda Items A through E were declared passed and adopted by a roll call vote of 7 to 0.

**8. PUBLIC HEARING: TUCSON CODE - AMENDING (CHAPTERS 23 AND 23A) THE *LAND USE CODE* AND DEVELOPMENT COMPLIANCE CODE; RELATING TO THE RESIDENTIAL CLUSTER PROJECT (RCP) DEVELOPMENT INCENTIVE**

Mayor Walkup announced City Manager's communication number 108, dated February 24, 2009, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on modifying and renaming the Residential Cluster Project (RCP) to the Flexible Lot Development (FLD). He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Ruth Beeker, representing the Miramonte Neighborhood and the Neighborhood Infill Coalition, stated that over five years ago, Miramonte Neighborhood was asked to consider a proposed rezoning for a housing development. She said neighbors left that community meeting expressing disbelief that the City of Tucson would ever allow such a development to be built into an established neighborhood. It took her several weeks to track down the bad news. She stated it could be built; it was an RCP. That was five years ago. She said since that time, she had the good fortune to work with many neighborhood leaders who were a lot smarter than her regarding the *Land Use Code (LUC)* to identify what could be done. She said they were reunited in being advocates to replace that ordinance. In retrospect, she saw the RCP as a prime example of what could happen when a community did not utilize checks and balances of its various interest groups to ensure that any ordinance was thoroughly and thoughtfully vetted before being put into the *Code*.

Ms. Beeker stated the Mayor and Council now had the opportunity to approve a substitute ordinance which she was confident addressed the greatest weaknesses of the old RCP. She said there was now a requirement of privacy mitigation to protect the property rights of adjoining neighbors and a much more rational formula for balancing the clustering of houses with functional open space. She thanked the Infill Subcommittee of the Planning Commission for its open, inclusive style when drafting the ordinance. She said those who chose to attend the many meetings were welcomed as participants in the process. She also thanked the staff from the Department of Urban Planning and Design, whom she said she was sure were tired of the group's nagging, coming back, and not letting go of it. She said getting the RCP corrected was too important to the established neighborhoods to not persist.

Lastly, Ms. Beeker thanked the Mayor and Council and those who served during the last four years, who had worked and allowed the neighborhoods to move forward on this. Without the Mayor and Council's recognition that the emphasis on infill had changed the way the City needed to address cluster development, the neighborhoods would not now have this approved ordinance. She urged the Mayor and Council to take the final step and approve the FLD ordinance and stated she would love to take this issue off her plate; it had been there way too long.

David Godlewski, Government Liaison, Southern Arizona Home Builders Association (SAHBA), thanked the Mayor and Council for the opportunity to speak regarding the Flexible Lot Development (FLD) ordinance. He thanked staff, particularly Albert Elias, Department of Urban Planning and Design (UPD) Director, and Adam Smith, UPD Principal Planner, for their commitment to the project and willingness to work with SAHBA and other stakeholders every step along the way. He also thanked the Planning Commission for its efforts on the ordinance.

Mr. Godlewski stated, at the end of the day, SAHBA preferred that this ordinance was not necessary. He said there were still some concerns that the additional restrictions could stifle creative non-traditional residential projects and make infill projects more difficult. With that being said, SAHBA supported this version of the ordinance and encouraged its passage. He said they believed the improvements provided additional certainty to builders without diminishing the protections for established neighborhoods.

Mr. Godlewski said, finally, given the severity of the dire economic conditions the industry and community faced, he wanted to leave the Mayor and Council with two additional things to consider. First, was to have the effective date of the ordinance extend beyond thirty days, perhaps ninety or one hundred eighty days. Second, continue working with SAHBA and builders in the City of Tucson who had approved projects that met regulatory requirements, but may be on hold given the economic conditions; keeping these projects on track was important to create jobs and stimulate the local economy.

Mayor Walkup asked if there was anyone else wishing to be heard on this item. There was no one.

It was moved by Council Member Trasoff, duly seconded, to close the public hearing.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal and Trasoff; Vice Mayor Uhlich and Mayor Walkup

Nay: None

The motion to close the public hearing was declared passed by a roll call vote of 7 to 0.

Mayor Walkup asked the City Clerk to read Ordinance 10636 by number and title only.

Ordinance No. 10636 relating to Planning and Zoning; amending certain portions of the Tucson Code, Chapter 23, Land Use Code, Article II, Division 8, Overlay Zones, Section 2.8.1.6.C; Article III, Division 2, Development Criteria, Section 3.2.3.1.F; Article III, Division 6, Development Incentives, Section 3.6.1; Article V, Division 1, Powers and Duties, Section 5.1.13; amending certain portions of the Tucson Code, Chapter 23, Land Use Code, by replacing the term “Residential Cluster Project” and “RCP” with “Flexible Lot Development” and “FLD” throughout the Land Use Code and all City regulations; amending Article II, Division 4, Office Zones, Sections 2.4.1.2, 2.4.2.2 and 2.4.3.2; amending certain portions of the Tucson Code, Chapter 23A, Development Compliance Code, Article II, Division 1, General Zoning Review Procedures Section 23A-35 and Section 23A-33.1; and setting an effective date.

It was moved by Council Member Romero, duly seconded, to pass and adopt Ordinance 10636.

Mayor Walkup asked if there was any discussion.

Vice Mayor Uhlich stated it was her recollection from the Study Session that Council Member Trasoff offered a suggestion for the ordinance to be available in thirty days rather than the delay. She stated Council Member Trasoff’s intent was a good one, which was to make it available to people who wanted to avail themselves but still grandfather in projects that were in the pipeline. She asked for clarification again from Albert Elias and Michael Rankin how existing projects that had been filed would be treated under the provisions, even with the thirty-day effective date.

Michael Rankin, City Attorney, stated, based on the direction from the Mayor and Council given at the Study Session, Sections 22 and 23 of the ordinance were added. He said Section 22 specified that the ordinance would become effective thirty days after adoption. Section 23 specified that the tentative plat applications submitted prior to the effective date, prior to thirty days from now, would be processed under the RCP provisions. Those submitted after the thirty days would be processed under the FLD provisions if, in fact, the ordinance was adopted.

Council Member Trasoff stated she appreciated Vice Mayor Uhlich raising the question. She said it was an important point because the applications already in process did not need to be stopped. She stated she was pleased that extra section in the ordinance allowed anyone who was in process now and thirty days from now to be grandfathered in.

Mr. Rankin stated Council Member Trasoff was correct, and another issue had come to light earlier in the day about clarifying some language in one of the sections that put some limitation on the number of front entry garages to be not more than fifty percent within the development. He said he thought specifying in the language that it was only referencing front entry garages could make it better and clearer. He stated what staff wanted to do, if the Mayor and Council was amenable, was to offer the following amendment to Section 3.6.1.6.B.3.c.



- c. Garage Placement. For FLD projects with over twenty (20) or more single-family detached residential units, no more than fifty (50) percent of detached residential units throughout the FLD shall be designed with front entry garages that protrude from or are flush with the front wall of the living area or front porch of the house.

Mr. Rankin said staff wanted to add the words “front entry” so it was clear it did not apply to side entry garages that might fall under that same definition.

Albert Elias, Department of Urban Planning and Design Director, reiterated that in some internal discussions, it was brought to the department’s attention that one could have a garage extending from the front of the house that was not a front entry garage, but the entry was from the side. He said the intent of the regulation was to limit, to no more than fifty percent, front entry garages, so they were simply adding those two words to the ordinance to make it clearer.

Council Member Romero clarified that her motion was to pass and adopt Ordinance 10636, including the amendment provided by the City Attorney.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal and Trasoff; Vice Mayor Uhlich and Mayor Walkup

Nay: None

Ordinance 10636, including the amendment provided by the City Attorney, was declared passed and adopted by a roll call vote of 7 to 0.

## **9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 104, dated February 24, 2009, was received into and made a part of the record. He asked if there were any personal appointments.

Vice Mayor Uhlich announced per personal appointment of Kevin Burke to the Planning Commission.

**10. ADJOURNMENT:** 6:26 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 3, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 24th day of February, 2009, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:yl:tl